

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

UNITED STATES OF AMERICA)
)
)
v.) CRIMINAL ACTION NO.
) 3:09cr65-MHT
ISAAC MILLER) (WO)

OPINION AND ORDER

Upon consideration of the recommendation of the United States Magistrate Judge (Doc. No. 29) and the objections filed by defendant Isaac Miller (Doc. No. 30); and after an independent and de novo review of the record, it is the ORDER, JUDGEMENT, and DECREE of the court:

- (1) That defendant Isaac Miller's objections (Doc. No. 30) are overruled;
- (2) That the recommendation of the United States Magistrate Judge (Doc. No. 29) is adopted; and
- (3) That defendant Miller's motion to dismiss (Doc. No. 21) is denied.

The court adds one comment: The indictment in this case clarifies that Miller was in Alabama for approximately seven months without registering as a sex offender. Miller admits, in his objection, that he had previously signed a document, pursuant to Kansas law, which clarified that he must register within ten days of moving to a new state. Doc. No. 30. The Sex Offender Registration Notification Act (SORNA), however, requires notification within three business days of changing residences. 42 U.S.C. § 16913(c). If it were the case that Miller had notified the authorities, for example, six days after arriving in Alabama, thereby complying with his known obligation under Kansas law but failing in his unknown obligation under SORNA, due-process concerns might be implicated. But, as these facts are not present in this case, the court will not explore the issue further.

DONE, this the 12th day of August, 2009.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE